

NATIONAL UNIVERSITY OF LESOTHO

B. Com Supplementary Examinations

HRM 3303- Employment Law

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August 2023

Marks 100

3 Hours

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INSTRUCTIONS

1. This paper consists of six questions. All questions carry equal marks.
2. Answer any **four** (4) questions.
3. Remember to follow instructions on your examination folder.

## **QUESTION 1**

Mokhanni is a driver at Litjobong diamond mine in the district of Mokhotlong. Mokhanni is asked by his employer to deliver a parcel from Mokhotlong to the mine headquarters in Maseru. While on the way, it starts raining heavily and Mokhanni sees two women by the side of the road and offers them a lift from Butha Buthe to Maseru. Shortly thereafter, Mokhanni and the two women are engaged in a vehicle accident and one of the ladies, Mponeng is badly injured.

You are an expert in employment law, and Mponeng intends to sue for damages for her injury caused by the accident. Advise Mponeng on who she should sue and why? **[25 Marks]**

## **QUESTION 2**

With reference to the Employment Laws of Lesotho and relevant case law, discuss the duties and responsibilities of an employer and employee in an employment contract. **[25 Marks]**

## **QUESTION 3**

Rosa is an employee at Bela Bela Secondary school. On the 15<sup>th</sup> November 2022 Rosa was suspended from work without pay for absenteeism without any explanation. According to Rosa, on the 2<sup>nd</sup> November when she was supposed to report to work, Shanyana her 4-year-old Son fell sick. Rosa took her son to the hospital for examinations and tests where it was found that he has to be operated on the 4<sup>th</sup> of November. Immediately Rosa wrote to her immediate supervisor who then extended Rosa's leave to the 7<sup>th</sup> November. On the 8<sup>th</sup> November, Rosa did

not report to work because she was nursing her son who had just been operated. Rosa further communicated telephonically with her supervisor but to her surprise she was told “do not bother coming back” and was therefore dismissed from work.

In terms of employment law and relevant case law, should a working parent as a result of the illness of her dependent child be authorized to be absent from work?

**[25 Marks]**

#### **QUESTION 4**

Discuss any **five (5)** sources of Employment Law in Lesotho. **[25 Marks]**

#### **QUESTION 5**

Outline the hierarchy of courts for employment law disputes in Lesotho. **[25 Marks]**

#### **QUESTION 6**

(a) Lerato is employed at Basotho Sugar Packers (BSP) (pty) Ltd as a cleaner. It is company policy that every employee should be searched when they enter the company premises and when they exit the premises. One day during an entrance search, sugar was not found in Lerato’s handbag but during an exit search, Lerato’s supervisor found 500g of sugar in Lerato’s hand bag. In her defense, Lerato states that she bought the sugar at a spaza shop during her lunch break and forgot to report the sugar to the security guard. The supervisor checks the surveillance cameras which show Lerato taking sugar from one of the sugar racks at the company and putting it in her bag.

b. Should Lerato be terminated from work? Justify your answer. In your answer refer to case law and employment laws of Lesotho. **[25 Marks]**